

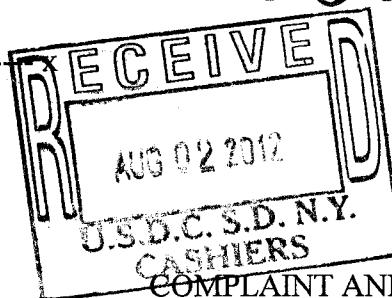
IRVING COHEN
233 Broadway, Suite 2701
New York, New York 10279
(212) 964-2544
Attorney for Plaintiff
(IC 3708)

JUDGE SULLIVAN

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CURTIS MITCHELL, DEMETRICE PERRY,
SHAQUWAN PERRY, SHAQUANA PERRY, and
NINA WILLIAMS

Plaintiffs,



COMPLAINT AND
DEMAND FOR JURY TRIAL

-v-

CITY OF NEW YORK, OFF. DAVID LAMBERT (Shield No.12878) 12 CV
OFF. JOHN AND JANE DOES, POLICE OFFICERS FOR
THE CITY OF NEW YORK, INDIVIDUALLY AND AS
POLICE OFFICERS FOR THE CITY OF NEW YORK,
Defendants

----- X

INTRODUCTION

1. This is an action for damages for the wrongful acts of defendants NEW YORK CITY and OFF. DAVID LAMBERT, OFF. JOHN and JANE DOES of the New York City Police Department, all acting under color of state law and pursuant to their authority, in violation of plaintiffs' rights under the Constitution and laws of the United States and the State of New York.

2. Plaintiffs allege that beginning on or about May 5, 2011, defendants committed wrongful and illegal acts against Plaintiffs by falsely arresting them and imprisoning them, maliciously prosecuting one of them (Curtis Mitchell), and violating their Federal and New York State civil rights.

IRVING COHEN
ATTORNEY AT LAW
233 BROADWAY
NEW YORK, N.Y. 10279

JURISDICTION

3. This action is brought under 42 U.S.C. Section 1983 in conjunction with the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, and the constitutional, statutory and common laws of New York State.

4. Jurisdiction is invoked herein pursuant to the aforementioned statutory and constitutional provisions and pursuant to 28 U.S.C. Section 1331 and 1343, this being an action seeking redress for the violation of the plaintiffs' constitutional and civil rights.

5. Plaintiffs further invoke this Court's pendant jurisdiction over any and all state law claims and causes of action which derive from the same nucleus of operative facts that give rise to the federally based claims and causes of action, pursuant to Title 28, U.S.C. section 1337.

6. Venue is laid within the United States District Court for the Southern District of New York in that the defendants reside in and their principal place of business is located in the Southern District of New York.

TRIAL BY JURY

7. Plaintiffs demand a trial by jury on each and every one of their claims as pled herein.

PARTIES

8. At all times relevant hereto, plaintiffs CURTIS MITCHELL, DEMETRICE PERRY, SHAQUWAN PERRY, SHAQUANA PERRY and NINA WILLIAMS were residents of Brooklyn, New York.

9. At all times relevant hereto, defendant NEW YORK CITY was and is a municipality of the State of New York and owns, operates, manages, directs and controls the New York City Police Department, which employs the other named defendants.

10. Defendant DAVID LAMBERT is and was at all times relevant to this action a police officer, employed by the New York City Police Department, and acting under color of state law. He is being sued in both his individual and official capacities.

11. Defendants JOHN and JANE DOES are and were at all times relevant to this action police officers, employed by the New York City Police Department, and acting under color of state law. They are being sued in both their individual and official capacities.

12. At all times relevant hereto and in all their actions described herein, defendants DAVID LAMBERT, JOHN AND JANE DOES were acting under color of the statutes, ordinances, regulations, policies, customs and usages of the New York City Police Department and New York City, pursuant to their authority as employees, servants and agents of the New York City Police Department, within the scope of employment and incidental to their otherwise lawful duties and functions as employees, servants, agents and police officers.

13. The conduct and injuries complained of herein ensued without any negligent or culpable conduct on the part of plaintiffs.

NOTICE OF CLAIM

14. On July 28, 2011, plaintiffs' Notices of Claim were filed with the Comptroller's Office of the City of New York. More than thirty days have elapsed since the filing of the Notices of Claim and these matters have not been settled nor otherwise disposed of.

15. On January 24, 2012, hearings pursuant to New York State General Municipal Law §50-h were held at which time plaintiffs were questioned by a representative of defendant New York City.

IRVING COHEN
ATTORNEY AT LAW
233 BROADWAY
NEW YORK, N.Y. 10279

16. The transcripts of these hearings are attached hereto as Exhibit A-1 through A-5 and as factual support for the causes of action alleged herein and are made a part of this Complaint.

FACTUAL BACKGROUND

17. Plaintiff's Curtis Mitchell and Demetrice Perry were residing at 433 Lafayette Avenue, Apt.12A, Brooklyn, New York 11238, along with Ms. Perry's two children, Shaquwan Perry and Shaquana Perry on the date in question, May 5, 2011.

18. All were present in the apartment at approximately 6:25AM when police forcibly and without permission or proper authority entered the premises.

19. Also present in the apartment was a guest, Plaintiff Nina Williams.

20. Mr. Mitchell also resided at that time, sometimes two or so nights a week, at 155 Clifton Place, Brooklyn, New York 11238, the home of his father and other family members.

21. At approximately 6:25 AM on May 5, 2011, police officers broke through the entrance door to the apartment.

22. They then broke into the bedroom in which Mr. Mitchell and Ms. Demetrice Perry were sleeping.

23. They were wearing helmets, other special gear and carrying firearms.

24. They told the occupants to freeze.

25. They grabbed Mr. Mitchell and handcuffed him.

26. They also handcuffed Ms. Demetrice Perry.

27. Without asking any questions nor uncovering any evidence of a crime, Mr. Mitchell and Ms. Perry were detained, handcuffed and effectively placed under arrest.

28. Despite asking what was the reason for their entrance into the apartment and being

placed into custody, the police only told Mr. Mitchell that they had to wait for a detective to arrive.

29. A detective arrived later and started screaming at Mr. Mitchell.
30. He asked Mr. Mitchell to tell him about guns and drugs.
31. Mr. Mitchell was telling the detective that he's got the wrong person.
32. The detective threatened Mr. Mitchell, telling him that if he didn't tell him where guns and drugs were, the detective would arrest his whole family and take them to jail.
33. By that time, the police had all the plaintiffs in custody.
34. Everyone was handcuffed except Shaquana who was holding her two-week old baby.
35. Mr. Mitchell was searched but no contraband was found.
36. Despite the lack of any evidence of a crime, Mr. Mitchell was arrested, removed from the apartment and taken to the 79th Precinct.
37. Mr. Mitchell was strip-searched.
38. Eventually, Mr. Mitchell was told he was being charged with possession of heroin.
39. Mr. Mitchell was innocent of that crime and there was no basis to arrest him for it.
40. After Mr. Mitchell went before the judge, over fourteen hours later, he was then remanded to Rikers Island.
41. Because Mr. Mitchell was innocent, he decided to testify before the grand jury that was hearing his case.
42. This was almost two weeks after his arrest.
43. On May 20, 2011, the Grand jury voted not to indict Mr. Mitchell and dismissed the case against him. (See Ex.B)
44. As a result, Mr. Mitchell was released from custody.

45. When Mr. Mitchell returned to the apartment, it remained in the same condition it was after his arrest after the police searched it.
46. Many personal possessions had been effectively destroyed.
47. The apartment had been completely searched.
48. The police had opened all the closets and the drawers, thrown all the personal property around and, in general, left the apartment in a complete mess.
49. Ms. Perry had recorded the condition of the apartment after the police ransacked it with a camcorder.
50. Ms. Perry, who had never been arrested, had lived in the same apartment for twelve years.
51. Also living there on May 5, 2011 were her son, Shaquwan and daughter, Shaquana and her infant granddaughter who was only two weeks old.
52. Nina Williams, a friend, was a visitor.
53. Ms. Demetrice Perry was sleeping when the police shone a light in her face about 6:20 AM.
54. Ms. Perry was under the covers and had no clothes on.
55. The police had kicked her bedroom door open.
56. About six police officers had come into her bedroom dressed like a "SWAT" team.
57. They were armed with firearms including long guns with lights on them.
58. One of the firearms was placed right in her face.
59. She was forced out of bed, threw on something and was immediately handcuffed.
60. Mr. Perry asked to see a warrant but was not shown one. (See Ex.C, search warrant)

61. She was taken to the living room where she saw her son Shaquwan and visitor Nina Williams in handcuffs.
62. They were forced to stand in the living room handcuffed for over a half hour.
63. During that time, the police "tore up" the entire apartment.
64. They pulled everything out of the closets and drawers, lifted up the mattresses and threw everything around; knocked lamps down and pulled containers down.
65. They took cash and silver dollars that Ms. Perry was saving for her granddaughter.
66. They also ransacked the second bedroom where Shaquana and her two-week old baby had been sleeping.
67. The police threw all the baby's clothes around and flung her stroller.
68. After the half-hour in the living room, the police took Ms. Perry, her son, her daughter and infant, and Nina Williams into Shaquana's room and made them stay there handcuffed for an hour.
69. The police had opened all the windows causing the baby to catch a cold.
70. The police remained in the apartment for about three hours and stayed there for at least two hours even after Mr. Mitchell was taken to the precinct.
71. Since the police had busted open the front door and destroyed it, Ms. Perry had to replace it with a brand new one.
72. Appliances like a DVD player that the police broke had to be replaced.
73. As a result of the trauma caused by the police, Mr. Perry sought the help of a psychiatrist whom she has seen over ten times.
74. She has difficulty sleeping and relives the experience.
75. She was prescribed medication in June, 2011 to calm her nerves which she continues to

IRVING COHEN
ATTORNEY AT LAW
233 BROADWAY
NEW YORK, N.Y. 10279

take.

76. Plaintiff Nina Williams, Shaquana's friend, had been in her and her baby's room when the police confronted them

77. The police came into the room and put guns and lights in their faces.

78. The police were wearing shields and helmets.

79. Ms. Williams, who had been wearing only a bra and boxers, was not permitted to put clothes on and was handcuffed.

80. Ms. Williams was taken into the living room and remained there for a long time - still undressed - and handcuffed.

81. She was asked no questions.

82. She observed the police opening the kitchen cabinets and throwing around items therein including flour and sugar.

83. At the time the police came into Shaquana's room, she was sitting on the bed rocking her two-week old infant daughter, Arianna.

84. Shaquana heard banging and booming.

85. As she walked to the bedroom door, it was bust open and she saw a lady with a gun in Arianna's face screaming "let me see your hands."

86. The police took her (and the baby) into the livingroom.

87. Shaquana asked to go get a sheet to cover the baby because the windows had been opened but the police refused.

88. Despite many requests, the police did not show the Plaintiffs' a warrant.

89. After the incident, Shaquana had to replace some of her daughter's clothes because the police had thrown them down and stepped all over them.

IRVING COHEN
ATTORNEY AT LAW
233 BROADWAY
NEW YORK, N.Y. 10279

90. Shaquana has had to take her daughter to the doctor because, since the incident, she wakes up and cries when she hears noises.

91. Shaquwan, who was sixteen at the time, was sleeping in the living room when the police broke into the apartment, shined a flashlight on him, put a gun to his face and handcuffed him.

COUNT ONE: VIOLATION OF CONSTITUTIONAL RIGHTS

92. Plaintiffs repeat and re-allege the allegations contained in paragraphs 1-91 of this complaint, as though fully set forth herein.

93. The acts, omissions and conduct of the defendants, all members of the New York City Police Department, and all acting under color of state law, deprived plaintiffs of their rights, privileges and immunities under the laws and Constitution of the United State; in particular the rights to be secure in their person and property, to be free from false arrest, false imprisonment, malicious prosecution, excessive force and cruel and unusual punishment and to due process.

94. By these acts, omissions and conduct, these individual defendants have deprived plaintiffs of rights secured by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, in violation of 42 U.S.C. Section 1983, for which the defendants are individually liable.

**COUNT TWO: VIOLATION OF CONSTITUTIONAL RIGHTS
(Defendant New York City)**

95. Plaintiffs repeat and re-allege the allegations contained in paragraphs 1-94 of this complaint, as though fully set forth herein.

96. The acts, omissions and conduct of defendant New York City, as set forth above, deprived plaintiffs of their rights, privileges and immunities under the laws and Constitution of the United States; in particular the rights to be secure in their person and property; to be free from

unlawful seizure, false imprisonment, malicious prosecution; excessive force and cruel and unusual punishment and to due process.

97. By these acts, omissions and conduct, defendant New York City has deprived plaintiffs of rights secured by the Fourth, Fifth, Eighth and Fourteenth Amendments to the United States Constitution, in violation of 42 U.S.C. Section 1983.

COUNT THREE: CONSPIRACY TO VIOLATE CIVIL RIGHTS

98. Plaintiffs repeat and re-allege the allegations contained in paragraphs 1-97 of this complaint as though fully set forth herein.

99. The defendants conspired to violate plaintiffs' civil rights by agreeing between themselves to falsely place them in custody, charge one of them with crimes as described above, in violation of 42 U.S.C. 1983, for which defendants are individually liable.

COUNT FOUR: FALSE ARREST

100. Plaintiffs repeat and re-allege the allegations contained in paragraphs 1-99 of this complaint, as though fully set forth herein.

101. The acts, omissions and conduct of defendants as alleged above, constitute false arrest under the laws of the State of New York. This Court has pendant jurisdiction to hear and adjudicate such claims.

COUNT FIVE: FALSE IMPRISONMENT

102. Plaintiffs repeat and re-allege the allegations contained in paragraphs 1-101 of this complaint, as though fully set forth herein.

103. The acts, omissions and conduct of defendants, as alleged above, constitute false imprisonment under the laws of the State of New York. This Court has pendant jurisdiction to hear and adjudicate such claims.

IRVING COHEN
ATTORNEY AT LAW
233 BROADWAY
NEW YORK, N.Y. 10279

COUNT SIX: ASSAULT

104. Plaintiffs repeat and re-allege the allegations in paragraphs 1-103 of this complaint, as though fully set forth herein.

105. The acts and conduct of defendants, as alleged above, constitute assault under the laws of the State of New York. This Court has pendant jurisdiction to hear and adjudicate such claims.

COUNT SEVEN: MALICIOUS PROSECUTION

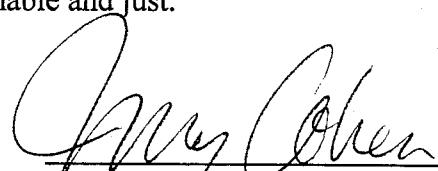
106. Plaintiff CURTIS MITCHELL repeats and re-alleges the allegations contained in paragraph 1-105 of this complaint, as though fully set forth herein.

107. The acts, omissions and conduct of defendants, as alleged above, constitute malicious prosecution under the laws of the State of New York. This Court has pendant jurisdiction to hear and adjudicate such claims.

WHEREFORE, plaintiffs demand the following relief;

- a. Compensatory damages in the amount of two million (\$2,000,000 dollars).
- b. Punitive damages in the amount of two million (\$2,000,000 dollars).
- c. Reasonable attorneys fees and costs; and
- d. Such other and further relief as appears reasonable and just.

Dated: New York, New York
August 1, 2012



IRVING COHEN
Attorney for Plaintiff
233 Broadway, Suite 2701
New York, New York 10279
(212) 964-2544

IRVING COHEN
ATTORNEY AT LAW
233 BROADWAY
NEW YORK, N.Y. 10279

ORIGINAL

50-H HEARING

015220

- - - - - x BLA: 2011PI027480

In the Matter of the Claim of

CURTIS MITCHELL,

Claimant,

-against-

CITY OF NEW YORK, NEW YORK CITY POLICE

DEPARTMENT,

Respondents.

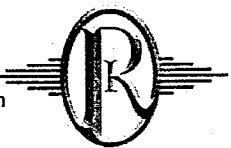
- - - - - x

225 Broadway, 13th Floor
New York, New York

January 24, 2012
12:12 p.m.

50-H HEARING of Curtis Mitchell, the
Claimant in the above-entitled action, held at
the above time and place, pursuant to Notice,
taken before Karla Vallaro, a shorthand
reporter and Notary Public within and for the
State of New York.

Ex A-1



1

2 A p p e a r a n c e s :

3 IRVING COHEN, ESQ.

4 ATTORNEY for Claimant
5 233 Broadway, Suite 2701
6 NEW YORK, NY 10279

7 BY: IRVING COHEN, ESQ.

8

9 SHAPIRO, BEILLY & ARONOWITZ, LLP

10 ATTORNEYS for Respondents
11 225 Broadway, 13th Floor
12 New York, NY 10007

13 BY: DAWN SHWARTZ, ESQ.

14 FILE #: NYC-2212
15 INDEX #: 2011PI027480

16

17

18

19

20

21

22

23

24

25



1 C. MITCHELL

2 CURTIS MITCHELL, the witness herein, having
3 been first duly sworn by a Notary Public of
4 the State of New York, was examined and
5 testified as follows:

6 EXAMINATION BY

7 MS. SHWARTZ:

8 Q. State your name for the record,
9 please.

10 A. Curtis Mitchell.

11 Q. State your address for the record,
12 please.

13 A. 155 Clifton Place, Brooklyn, New
14 York 11238.

15 Q. Good afternoon, sir. My name is
16 Dawn Shwartz and I represent the city for the
17 purposes of today's hearing. I'll be asking
18 you some questions about your claim against
19 the city.

20 I'm going to ask that all of your
21 answers to my questions are verbal, so that
22 the court reporter can down everything that
23 we're saying, because she can't take down
24 head shakes, head nods or hand gestures. If
25 you don't understand my question, let me



1

C. MITCHELL

2 know. I'll try to rephrase it for you or say
3 it in a different way.

4 If you need to speak with your
5 attorney for any reason or take a break for
6 any reason that's not a problem, just let us
7 know. All I ask is that you answer the last
8 question that I asked you before you go ahead
9 and take that break. I'm also going to ask
10 that even if you know what I'm going to ask
11 you and you know what your answer is, you let
12 me finish asking the question and then give
13 your answer, because she can only take down
14 what one of us is saying at a time.

15 **A. I got you.**

16 Q. How long have you lived at the
17 address that you just gave to the reporter?

18 **A. Lets say twenty, thirty years.**

19 **Somewhere along there.**

20 Q. Does anybody currently live there
21 with you?

22 **A. That's my father's house and I stay**
23 **there with them.**

24 Q. What is your dad's name?

25 **A. Charles Mitchell.**



1

C. MITCHELL

2 Q. When you say you stay there with
3 them, who are you referring to?

4 A. My sisters and brothers there also.

5 Q. How many nights a week do you stay
6 at the Clifton Place address?

7 A. Lets say about sometimes two -- two
8 nights. It all depends on if I'm doing
9 security, because I do night security off and
10 on. And if, you know, I would say, well if I
11 need to stay there. You know, a few nights.

12 Q. Do you have any other place that you
13 reside?

14 A. Well, I stay with my girlfriend.
15 Sometimes, I go over there.

16 Q. Where does she live?

17 A. She lives at 433 Lafayette Avenue.

18 Q. Is that an apartment number or
19 private house?

20 A. 12A.

21 Q. What borough is that in?

22 A. That's in Brooklyn.

23 Q. What is your girlfriend's name?

24 A. Ann Perry.

25 Q. Perry, P-E-R-R-Y?



1 C. MITCHELL

2 A. Yes.

3 Q. How often do you stay with Ms. Perry
4 on a weekly basis?

5 A. It would be maybe five or six. It
6 all depends, because sometimes I work
7 security and I don't go there. I may go by
8 my father's or stay there or I stay at the
9 security place sometimes where I use to work
10 at. This is like on and off. You know,
11 sometimes I have work, sometimes I don't have
12 work. It all depends.

13 Q. Let me ask you this, where does your
14 mail go?

15 A. My mail goes to my father's.

16 Q. At Clifton Place?

17 A. Yes.

18 Q. Have you ever gone by any other
19 names or aliases?

20 A. Never.

21 Q. What is your social security number?

22 A. 082-58-0610.

23 Q. Your date of birth?

24 A. 3/20/62.

25 Q. Are you currently employed now?



1 C. MITCHELL

2 A. Well, I just recently stopped. I
3 worked one day last week. That's it. I had
4 an incident on the job, so I'm waiting to go
5 back to work.

6 Q. Where were you working last week?

7 A. Last week I worked over by the
8 ferry.

9 Q. Is this for security that you
10 mentioned earlier?

11 A. No, this is -- this is cause I'm a
12 union member. This is construction.

13 Q. What union are you part of?

14 A. Labors union, Local 731.

15 Q. Prior to last week, were you working
16 on a regular basis?

17 A. I had just recently stopped November
18 7th. You know, the job came to an end.

19 Q. Aside from your work in construction
20 are you currently earning income any other
21 way?

22 A. No.

23 Q. Are you currently receiving any
24 Medicaid benefits?

25 A. No.



1 C. MITCHELL

2 Q. Are you currently receiving any
3 Medicare benefits?

4 A. No.

5 Q. As an adult, have you ever been
6 convicted of or pled guilty to any crimes or
7 offenses?

8 A. Yes.

9 Q. When was that?

10 A. That was in, let me see, I think it
11 was '02.

12 Q. What was the nature of that offense?

13 A. It was commercial burglary.

14 Q. Did you serve any time?

15 A. Yes.

16 Q. How much?

17 A. I served four years.

18 Q. Where did you serve that time?

19 A. I served it in a number of places.

20 I was at Adirondack, upstate. I was Lyon
21 Mountain. I was at Hale Creek and my last
22 stop Camp Visalia.

23 Q. Aside from the 2002 conviction, have
24 you had any other convictions or have you
25 pled guilty to any other crimes or offenses



1 C. MITCHELL

2 as an adult?

3 A. Yes.

4 Q. When was that?

5 A. Let me see, that was, when was it,
6 2000 I think.

7 Q. What was that, sorry.

8 A. That was that 200. That was a
9 possession charge.

10 Q. Possession of what?

11 A. Crack.

12 Q. Did you serve any time for that?

13 A. I did, let me see. I think I did
14 two years.

15 Q. Any other convictions or instances
16 where you pled guilty for any crimes or
17 offenses?

18 A. Let me see, it was in '90 I believe.

19 Q. 1990?

20 A. Yes.

21 Q. What was the nature of that?

22 A. That was, that was '90. That was a
23 possession the same thing.

24 Q. Possession of crack?

25 A. Yes.



1

C. MITCHELL

2

Q. Did you serve any time for that
charge?

4

A. I did two years.

5

Q. Any other convictions?

6

A. '83, I think. Yes, I believe '83.

7

That was a burglary.

8

Q. Again, did you serve any time for
that?

10

A. Yes, I did. I think it was two and

11 third to seven.

12

Q. Any other crimes or offenses that
you pled guilty to or were convicted of that
13 you can recall?

15

A. I think it was '81.

16

Q. What was the nature of that?

17

A. That was burglary.

18

Q. Any time served?

19

A. Two years.

20

Q. Any other crimes or offenses that
you pled guilty to or were convicted of?

22

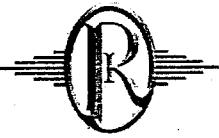
A. That's the furthest I can remember.

23

Q. Have you ever filed a claim against
the City of New York before?

25

A. I had -- let me see, that was in '89



1

C. MITCHELL

2 I did. I lost contact with the lawyer and
3 everything.

4 Q. What was the nature of that claim
5 against the city?

6 A. Something happened to me inside the
7 jail where I had got cut up by an inmate.

8 Q. Was that claim against city of New
9 York or the State of New York?

10 A. I believe it was the city.

11 Q. Do you know what the final outcome
12 of that claim was?

13 A. No.

14 Q. Did you ever receive any money or
15 settlement from that claim?

16 A. No.

17 Q. Is that claim still going on? Is it
18 still pending?

19 A. I don't know what happened. I tried
20 to contact and they moved, because I was away
21 and I just never really pursued it.

22 Q. Aside from the claim from 1999, have
23 you ever filed any other claims against the
24 City of New York?

25 A. No.



1

C. MITCHELL

2 Q. Have you ever filed to the best of
3 your knowledge, any claims against the State
4 of New York?

5 A. No.

6 Q. The claim today that we're here to
7 talk about, can you tell me what date that
8 happened?

9 A. May 5th.

10 Q. What year?

11 A. Last year, 2011.

12 Q. Approximately, what time did this
13 happen?

14 A. Approximately, 6:25.

15 Q. Do you have any independent
16 recollection of the time that happened or is
17 the paper in front of you refreshing your
18 memory as to the time it happened?

19 A. No, I know exactly. It happened at
20 6:25.

21 Q. A.m. or p.m.?

22 A. A.m. in the morning.

23 Q. Where were you at that time?

24 A. I was in my bed. Sleeping in my
25 room.



1

C. MITCHELL

2 Q. Which residence were you at? Were
3 you at your dad's or your girlfriend's?

4 A. I was at my girlfriend's.

5 Q. That's the Lafayette Avenue
6 apartment?

7 A. Yes.

8 Q. Do you know prior to 6:25 a.m. if
9 there was anyone else in the apartment at
10 that time?

11 A. Yes.

12 Q. Do you know who was there?

13 A. Shaquwan Perry, which is her son.
14 Her daughter Shaquana Perry and Nina.

15 Shaquana's friend and Ann, my girlfriend and
16 her daughter, her the newborn baby. That's
17 Shaquana's daughter.

18 Q. Your girlfriend Ann was there at
19 that time?

20 A. Yes.

21 Q. Whose baby was that?

22 A. Shaquana's, her daughter.

23 Q. How young was the baby at the time?

24 A. Maybe two weeks.

25 Q. The person you mentioned Nina, do



1

C. MITCHELL

2 you know who that is?

3 A. That's her daughter's friend.

4 Q. Do you know Nina's last name?

5 A. I'm not sure. I forgot it.

6 Q. To your knowledge, was there anyone
7 else in the apartment at that time?

8 A. No one else.

9 Q. When did you first arrive at the
10 apartment, either the night before or that
11 morning?

12 A. I was there a couple of days. A
13 couple of days.

14 Q. Had you left the apartment at all in
15 those few days?

16 A. Yes, I had left it and came back.

17 Q. You've been staying there for a
18 couple of days?

19 A. Yes, I was looking for work. Going
20 out and I would go to her place, because it
21 was around the corner from my father. So it
22 was easy to go back and forth.

23 Q. In May of 2011, were you working
24 your construction job or were you working
25 someplace else?



1 C. MITCHELL

2 A. I was in the process of getting
3 work. I had to shape.

4 Q. What does that mean?

5 A. To go out with the people and look
6 for work.

7 Q. What type of work were you looking
8 for?

9 A. Construction.

10 Q. On May 5th of 2011, were you
11 assigned to a construction job?

12 A. No.

13 Q. In the twenty-four hours prior to
14 6:25 a.m. on May 5, 2011, had you had any
15 alcoholic beverages to drink?

16 A. No. Nothing.

17 Q. Had you had any prescription or non
18 prescription drugs prior, twenty-four hours
19 prior to that time?

20 A. No.

21 Q. At 6:25 a.m. on May 5, 2011, did you
22 have contact with anybody else within the
23 apartment?

24 A. Just the officers that came there.

25 Q. When did you first observe officers



1 C. MITCHELL

2 at the apartment?

3 A. When they came, busted into the room
4 and woke us up.

5 Q. When you say they busted into the
6 room, what room are you referring to?

7 A. To Ann's room.

8 Q. The bedroom?

9 A. Yes.

10 Q. Is that room where you were
11 sleeping?

12 A. Yes.

13 Q. When they came into the bedroom, was
14 that your first indication that the officers
15 were in the apartment?

16 A. Yes.

17 Q. Did you hear anything prior to that?

18 A. No.

19 Q. When they came into the bedroom,
20 were they wearing uniforms or regular
21 clothes?

22 A. They was in uniforms like special
23 gear. You know, helmets and well guns, well
24 rifles. I don't know big files and stuff
25 like that.



1

C. MITCHELL

2

Q. How many officers came into the
bedroom?

4

A. It was around three.

5

Q. Did all three officers have rifles?

6

A. Yes.

7

Q. Did all three have helmets?

8

A. Yes.

9

Q. When they came into the bedroom,
what did they say, if any thing?

11

A. They said freeze, don't move and get
up. Something like that, you know.

13

Q. What did you do next?

14

A. I stood still and I had my hands
out. I think they said let me see your
hands. It was like I'm waking up and it was
just a lot of yelling and you know. I just
raised up and I had my hands up.

19

Q. What did the officers do after you
raised your hands up?

21

A. They grabbed me.

22

Q. Where did they grab you?

23

A. They grabbed me in the front to turn
me around to cuff me.

25

Q. When they handcuffed you, did they



1 C. MITCHELL

2 handcuff you behind your back?

3 A. Yes.

4 Q. When they came into the room and
5 told you to put your hands up, did they ask
6 for your name or your identity?

7 A. Not at that time.

8 Q. Did they ask you any questions while
9 you were you still in the bedroom?

10 A. They didn't ask me nothing they told
11 us to freeze, put your hands up and they
12 handcuffed me. And they like was holding me
13 until -- you know, I was trying to ask them
14 something, but they was like telling me not
15 to say nothing and wait for the detectives or
16 whoever was suppose to come behind them
17 would tell you everything, because I was
18 asking what is this about.

19 Q. After they handcuffed you, where did
20 they take you?

21 A. They just took me in the hallway of
22 the apartment.

23 Q. Outside of the apartment?

24 A. No, of the apartment, outside the
25 bedroom.



1

C. MITCHELL

2

Q. How long did you stay in that
hallway for?

4

A. I would say for maybe fifteen, ten
minutes. I guess they was waiting for my
girl and to handcuff her, cause she had to
put something on.

8

Q. Did you observe them handcuff Ann
Perry?

10

A. No, I was in the hallway.

11

Q. Did she ever come out of the
bedroom?

13

A. Yes.

14

Q. When she came out of the bedroom,
was she handcuffed?

16

A. Yes.

17

Q. After ten or fifteen minutes were up
in the hallway, where did the officers bring
you next?

20

A. They brought me into the backroom of
the apartment.

22

Q. When you say backroom, what type of
room is that?

24

A. It's a bedroom where Shaquana sleep
at, they brought me into her room.



1

C. MITCHELL

2 Q. Was she in her bedroom at the time?

3 A. Well, at the time when I was in the
4 hallway. It was like, they had already went
5 back there, because there was more of them.
6 Three came into my room I would say and some
7 was in the other room and some was in the
8 front. It was quite a few you know. And
9 they just took me into an empty room and I
10 guess she was in the front, because I didn't
11 see her in our room and nobody was in the
12 backroom. So, I assume she was in the front.
13 Either in the living room or --

14 Q. When they brought you into that
15 backroom, there was no one else in there?

16 A. There was no one else there.

17 Q. When they brought you to the
18 backroom, did they ask you any questions or
19 say anything to you?

20 A. No, they was telling me that the
21 detective was coming, because I was still
22 trying to ask them stuff.

23 Q. At any point did the detective come
24 to the apartment?

25 A. Yes.



1

C. MITCHELL

2 Q. Did that detective speak with you?

3 A. Yes.

4 Q. Did he ask you any questions?

5 A. He just said is this you, Curtis
6 Mitchell and I said yes. And I was like,
7 what's this about. And he said well we have
8 a search warrant, you know, for your arrest.
9 And I said for what and he said, you know for
10 drugs. And I said no, you got the wrong one.
11 You know.

12 Q. When he said is this you, was he
13 showing you something at the time?

14 A. He was showing a paper that's
15 suppose to be a search warrant, because I
16 asked him what is that.

17 Q. After you spoke with the detective,
18 what happened next?

19 A. He just sat me down in there and he
20 started asking me stuff about guns and drugs
21 and all this and I don't know what you
22 talking about. So he started screaming and
23 do the right thing and tell us where it is at
24 and all this type of stuff. You know, if you
25 don't I'm going to take your family and all



1 C. MITCHELL

2 this and all of that to jail.

3 Q. After you were done speaking with
4 the detective, did they ever take you out of
5 the apartment?

6 A. Yes.

7 Q. When you came back through the
8 apartment, did you make any observations
9 regarding any other people that were in the
10 apartment at that time aside from the police
11 officers?

12 A. Yes.

13 Q. Who or what did you see at that
14 time?

15 A. When they was taking me out I seen
16 everyone in the living room. Ann, her
17 daughter, her son, Nina, the baby and that
18 was it.

19 Q. The people that you saw in the
20 living room that you just mentioned, were
21 they handcuffed at that time?

22 A. The only one that wasn't I think
23 Shaquana, because she was still holding the
24 baby. Everybody else was handcuffed.

25 Q. Did you have a conversation with any



1 C. MITCHELL

2 of those people as you were coming back
3 through the apartment?

4 A. No.

5 Q. When you were coming back through
6 the apartment, did you have an opportunity to
7 observe the condition of the apartment?

8 A. Well, very vaguely, because I looked
9 in my room and all I seen was the light on
10 and the windows open and the living room was
11 a little dim, but there was an officer or two
12 in there with them. And it was a few in the
13 kitchen and then when I went to the hallway
14 there was a few right there. I guess they
15 was going to transport me to wherever they
16 was taking me and that's all I saw.

17 Q. Did you observe, if anything, in the
18 apartment was overturned or damaged or
19 disturbed in any way?

20 A. No.

21 Q. No, you didn't observe or nothing
22 was damaged or disturbed?

23 A. When I was being taken out nothing
24 was done yet.

25 Q. Prior to them taking you out of the



1 C. MITCHELL

2 apartment, did they search you at all?

3 A. Yes, they searched me.

4 Q. Did they find any thing?

5 A. No.

6 Q. Did they take anything out of your
7 pockets or off of you?

8 A. No, I was in bed I had nothing.

9 Q. After they took you out of the
10 apartment, where did they bring you to next?

11 A. They took me to a van and they took
12 me straight to the precinct.

13 Q. Do you know which precinct you went
14 to?

15 A. 79th Precinct.

16 Q. When you got to the precinct, where
17 is the first place in the precinct did they
18 take you to?

19 A. They stood me in front, I think the
20 sergeant, you know, at that desk when you
21 first come in there. And they said something
22 to him. Then they took me in the back in a
23 cell and they stripped searched me and then
24 they just left me back there.

25 Q. When they stripped searched you, did



1 C. MITCHELL

2 they find anything?

3 A. Nothing.

4 Q. When they finally brought you to the
5 holding cell, how long did they leave you in
6 there for?

7 A. Well, this happened like 6:00 in the
8 morning, they didn't come back there until
9 like maybe 3:00 --

10 Q. 3:00 in the afternoon?

11 A. 3:00 or 3:30, somewhere around
12 there.

13 Q. Once they put you in the holding
14 cell, did they take the handcuffs off of you?

15 A. Yes.

16 Q. In the time that you were in the
17 holding cell, did anyone from the precinct
18 come over to you and ask you any questions or
19 have a conversation with you?

20 A. No.

21 Q. Once 3:00 or 3:30 came, where did
22 they take you to next?

23 A. They took me to another area, where
24 they started fingerprinting me.

25 Q. Did they also take your photograph?



1 C. MITCHELL

2 A. Yes, they took my photograph.

3 Q. Did they take you out of the
4 precinct after that or did they put you back
5 into the holding cell?

6 A. They put me in a different holding
7 cell.

8 Q. How long did you stay in that one
9 for?

10 A. Maybe two or three hours.

11 Q. At at the end of that time period,
12 where did did they take you next?

13 A. They took me to Central Booking I
14 believe.

15 Q. How did you get to Central Booking?

16 A. I was in the van with other
17 prisoners I believe.

18 Q. For the ride from the precinct to
19 Central Booking, did any officer have a
20 conversation with you or ask you any
21 questions?

22 A. Not when the ride, but I was trying
23 to get information when I was in that second
24 holding pen. And the officer that
25 fingerprinted me I was asking him what am I



1 C. MITCHELL

2 being charged with.

3 Q. This is still at the precinct --

4 A. Yes.

5 Q. The second holding cell?

6 A. Yes.

7 Q. Did he answer your question?

8 A. He told me that I was being charged
9 with heroin and what else, he said heroin.
10 And I guess that was it.

11 Q. Are you referring to heroin?

12 A. Yes, drugs.

13 Q. Some kind of possession charge?

14 A. Yes, that's what he said. Well,
15 this is what he was saying he found. So he
16 was charging me with it.

17 Q. The officer told you that he found
18 heroin in your apartment?

19 A. Yes.

20 Q. Did he say where in the apartment he
21 found it?

22 A. He said it was in the room.

23 Q. Which room?

24 A. The room that I was in.

25 Q. Did he say how much was found?



1 C. MITCHELL

2 A. He never told me how much.

3 Q. Do you recall if he said he was
4 charging you with possession of it or that
5 you were going to sell it?

6 A. He said possession. That's what he
7 said. Possession of heroin.

8 Q. Did you have a conversation with
9 anybody else at the precinct regarding the
10 charges against you or any other
11 conversations?

12 A. It was the guy that was watching the
13 prisoners. I just kept trying to talk to
14 him, asking him where is my arresting
15 officer. You know, I'm here all these hours
16 and they didn't feed me or anything and I
17 wanted to know what was going on. I mean,
18 you got me here all these hours and I wanted
19 to what took place while they was back at the
20 house and you know, I wanted to know.

21 Q. When you finally got to Central
22 Booking, did you sit down with someone who
23 asked you your information and ask you your
24 background information?

25 A. Yes.



1

C. MITCHELL

2

Q. At that point, did the person ask
you if you needed any medical attention for
any reason?

5

A. Yes.

6

Q. What was your response to that?

7

A. I told them no.

8

Q. Did they ask you if you had any
medical conditions that needed tending to?

10

A. I told them no.

11

Q. At that time did you indicate that
you had sustained any injuries while you were
in police custody that you needed medical
care?

15

A. It was minor. It was just the cuffs
were tight. It was that serious, but once
they was off I was a little better. It ain't
like circulation or blood my hands got a
little swollen, I told her nothing. I didn't
want no attention or nothing. They tell you,
you know, you go to the hospital or whatever
it's going to hold your case up and you know
all that. And it wasn't that serious.

24

Q. After you spoke with that person,
did they then put you in a holding cell?



1

C. MITCHELL

2 A. Yes.

3 Q. How long did you stay in that
4 holding cell for?

5 A. I stayed in there for -- they moved
6 -- well, all right that first holding cell I
7 stayed in there for maybe three or four
8 hours. And then they moved me to another
9 holding cell. It was like from holding cell
10 to holding cell. It was like altogether a
11 total of time, I would say about maybe
12 twelve, thirteen hours somewhere maybe more.
13 I lost count.

14 Q. During those approximately twelve or
15 thirteen hours in the different holding
16 cells, did any officers or anyone from
17 Central Booking come over to you and ask you
18 any questions or have a conversation with
19 you?

20 A. No.

21 Q. When approximately those twelve or
22 thirteen hours were up, where did they take
23 you to next?

24 A. I went upstairs and saw the judge --
25 well, I saw my lawyer.



1

C. MITCHELL

2 Q. The lawyer that you met with, was
3 that lawyer appointed by the court or was
4 that your personal attorney?

5 A. Appointed by the court.

6 Q. Do you remember that attorney's
7 name?

8 A. It was a woman. I know it was
9 Catherine. Catherine, I don't remember her
10 name fully. I know her first name was
11 Catherine.

12 Q. That's okay. When you went before
13 the judge, did they read the charges against
14 you?

15 A. Yes.

16 Q. What were you charged with at that
17 point?

18 A. I don't remember. But I know it was
19 possession and they said something else, but
20 I don't really remember what that was, but it
21 was a lesser charge.

22 Q. After they read the charges against
23 you, how did you plead?

24 A. I pled not guilty.

25 Q. After you pled not guilty, did the



1 C. MITCHELL

2 judge let you go or did they keep you?

3 A. They remanded me.

4 Q. Where did you go?

5 A. I went to Rikers Island.

6 Q. At any time after your arraignment
7 when you were remanded to Rikers Island, did
8 you ever go back before a judge or the grand
9 jury?

10 A. I went back. I was just telling my
11 lawyer that I wanted to go to the grand jury.

12 Q. Are you referring to the legal aid
13 attorney?

14 A. Yes.

15 Q. Did you in fact go before the grand
16 jury?

17 A. Yes, I did, but she did something
18 that I didn't like and you know, she tried to
19 get me to, you know, she was telling me about
20 my record and such and such and doesn't think
21 its a good idea, you know. Trying to not let
22 me go.

23 MR. COHEN: Attorney/client
24 privilege.

25 MS. SHWARTZ: Yes.



1 C. MITCHELL

2 MR. COHEN: Don't say anything
3 else about your conversations that
4 you had with your lawyer.

5 A. Okay.

6 Q. Don't tell me the details of your
7 conversation.

8 A. Okay.

9 Q. Let me ask you this, did you go
10 before the grand jury?

11 A. Yes.

12 Q. Do you remember the date you went
13 before the grand jury?

14 A. It was -- I don't know the exact
15 date.

16 Q. Do you recall what month?

17 A. It was the same month. It was May.

18 Q. Do you recall if it was May 20th of
19 2011?

20 A. It was before the 20th. It was
21 exactly eight days afterwards. Somewhere
22 between eight and nine.

23 Q. After the arrest?

24 A. Yes, somewhere along there.

25 MS. SHWARTZ: Off the record.



1 C. MITCHELL

2 (Whereupon, a discussion was held
3 off the record.)

4 MS. SHWARTZ: Back on.

5 Q. Do you remember what date you got
6 released from Rikers Island?

7 A. It was a Thursday from the time that
8 I got locked up. It was that following -- I
9 got locked up May 5th, I believe it was a
10 Tuesday. I'm not sure. Maybe those day, but
11 I know that following week, Thursday I got
12 released.

13 Q. Meaning, the whole next week later
14 and not three days later?

15 A. No, that week. Next week.

16 MR. COHEN: Not two weeks
17 later.

18 A. Not two weeks. Cause I know my
19 180-80 was like on a Tuesday and then they
20 didn't -- I was going to court like every
21 day. And I finally made it to the grand jury
22 and they sent me back and before 11:00 at
23 night. They called me to pack my stuff and I
24 waited down in the receiving room and then
25 they just released me. Then I got the letter



1 C. MITCHELL

2 from the lawyer -- I mean, not the lawyer the
3 DA.

4 Q. When you got the letter from the DA,
5 you had already been released from Rikers;
6 right?

7 A. Yes.

8 Q. That letter was letting you know
9 that all the charges had been dismissed?

10 A. Yes.

11 Q. After you were released from Rikers,
12 where did you go?

13 A. I had went back to 433 real early in
14 the morning, maybe 6:00. Maybe so I went
15 there.

16 Q. When you went back there, did you
17 have an opportunity to observe the condition
18 of the apartment?

19 A. Yes, I did.

20 Q. Can you describe to me what the
21 apartment looked like when you went back?

22 A. It was -- it was towed up, towed up.
23 Everything was turned over. Flipped over.
24 Pulled out, stuff everywhere. I mean, she
25 recorded it and everything. But she said she



1 C. MITCHELL

2 wasn't going to touch nothing.

3 Q. She meaning who?

4 A. Ann.

5 Q. Do you know how she recorded it?

6 A. She had a little camcorder.

7 Q. So video? She recorded it on video?

8 A. Yes, the condition

9 Q. Do you know where did that video is
10 now?

11 A. I believe she has it.

12 Q. Let me ask you this, do you keep any
13 personal belongings at the apartment?

14 A. I have some clothes there.

15 Q. When you went back to the apartment
16 after being released from Rikers, were any of
17 your personal belongings missing?

18 A. Well, nothing really that I can
19 recollect. It was just everything was towed
20 up. Disarrayed.

21 Q. After you were released from Rikers,
22 did you seek medical attention for any
23 injuries you might have sustained while you
24 were you in police custody?

25 A. No.



1 C. MITCHELL

2 Q. After you were released from Rikers,
3 did you seek treatment from any type of
4 mental health professionals? Psychiatrist,
5 psychologist, social worker?

6 A. No.

7 Q. Regarding what had happened.

8 A. No.

9 MS. SHWARTZ: I don't have any
10 other questions for you. Thank you
11 for coming in today.

12 MR. COHEN: Thank you.

13 (Time noted 12:54 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25



1

C. MITCHELL

2

A C K N O W L E D G E M E N T

3

4 STATE OF NEW YORK)

5

6 I, Curtis Mitchell, hereby certify that I
7 have read the transcript of my testimony taken
8 under oath on January 24, 2012, that the
9 transcript is a true, complete and correct
10 record of what was asked, answered and said
11 during my testimony under oath, and that the
12 answers on the record as given by me are true
13 and correct.

14

15

16

17

18

19

20 Signed and subscribed to
21 before me, this _____ day
22 of _____, _____.

23

24

25 Notary Public



1 C. MITCHELL

2 C E R T I F I C A T E

3 I, KARLA VALLARO, a shorthand
4 reporter and Notary Public within and for
5 the State of New York, do hereby certify:

6 That the witness(es) whose testimony
7 is hereinbefore set forth was duly sworn by
8 me, and the foregoing transcript is a true
9 record of the testimony given by such
10 witness(es).

11 I further certify that I am not
12 related to any of the parties to this
13 action by blood or marriage, and that I am
14 in no way interested in the outcome
15 of this matter.

16

17

18

19

20

21

22

Karla Vallaro

23

24

KARLA VALLARO

25



ORIGINAL

50-H HEARING

015220

- - - - - x BLA: 2011PI027481

In the Matter of the Claim of

DEMETRICE PERRY,

Claimant,

-against-

CITY OF NEW YORK, CITY OF NEW YORK POLICE

DEPARTMENT,

Respondents.

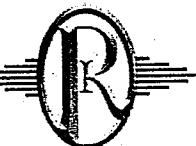
- - - - - x

225 Broadway, 13th Floor
New York, New York

January 24, 2012
12:56 p.m.

50-H HEARING of Demetrice Perry, the
Claimant in the above-entitled action, held at
the above time and place, pursuant to Notice,
taken before Karla Vallaro, a shorthand
reporter and Notary Public within and for the
State of New York.

EK-A-2



1

2 A p p e a r a n c e s :

3 IRVING COHEN, ESQ.

4 ATTORNEY for Claimant
5 233 Broadway, Suite 2701
6 NEW YORK, NY 10279

7 BY: IRVING COHEN, ESQ.

8

9 SHAPIRO, BEILLY & ARONOWITZ, LLP

10 ATTORNEYS for Respondent
11 225 Broadway, 13th Floor
12 New York, NY 10007

13 BY: DAWN SHWARTZ, ESQ.

14 FILE #: NYC-2213

15 INDEX #: 2011PI027481

16

17

18

19

20

21

22

23

24

25



1 D. PERRY

2 DEMETRICE PERRY, the witness herein, having
3 been first duly sworn by a Notary Public of
4 the State of New York, was examined and
5 testified as follows:

6 EXAMINATION BY

7 MS. SHWARTZ:

8 Q. State your name for the record,
9 please.

10 A. Demetrice Perry.

11 Q. State your address for the record,
12 please.

13 A. 433 Lafayette Avenue, Apartment 12A,
14 Brooklyn, New York 11238.

15 Q. Good afternoon, ma'am. My name is
16 Dawn Shwartz and I represent the City of New
17 York for the purposes of today's hearing.
18 I'm going to be asking you some questions
19 about your claim against the city.

20 I'm going to ask that all of your
21 answers to my questions are verbal, so that
22 the court reporter can take down everything
23 that we're saying, because she can't take
24 down head shakes, head nods or hand gestures.

25 A. Okay.



1 D. PERRY

2 Q. If you don't understand my question,
3 just let me know. I'll try to rephrase it or
4 say it in a different way. If you need to
5 speak with your attorney for any reason or
6 take a break, that's not a problem. Just let
7 us know.

8 A. Okay.

9 Q. All I ask is that you answer the
10 last question that I asked you before you go
11 ahead and take that break. I'm also going to
12 ask that even if you what I'm going to ask
13 you and you already know the answer, you let
14 me finish asking and then give your answer,
15 because she can only take down what one of us
16 is saying at a time.

17 A. Okay.

18 Q. How long have you lived at the
19 address that you just gave to the reporter?

20 A. Twelve years.

21 Q. Does anyone currently live there
22 with you?

23 A. Yes, my son, Shaquwan. Shaquwan
24 Perry.

25 Q. Does anyone else live there with



1 D. PERRY

2 you?

3 A. No.

4 Q. Does anyone else stay there with you
5 on a regular basis?

6 A. Curtis Mitchell comes and stays once
7 in a while. Like weekends sometimes, you
8 know.

9 Q. Out of a seven-day week, how many
10 nights a week does Mr. Mitchell stay with
11 you?

12 A. I would say about, four.

13 Q. Are you known by any other name or
14 alias?

15 A. No.

16 Q. Have you ever gone by the name of
17 Ann?

18 A. Yes, that's my middle name.

19 Demetrice Ann.

20 Q. Does anybody refer to you by that
21 name or know you by that name?

22 A. Yes, because I prefer Ann. I don't
23 like my first name Demetrice.

24 Q. You go by Ann?

25 A. Yes.



1

D. PERRY

2 Q. What is your social security number?

3 A. 113-56-2789.

4 Q. Your date of birth?

5 A. 12/5/63.

6 Q. Are you currently employed?

7 A. No, not at the time. I just
8 finished the job in December.

9 Q. What job was that?

10 A. Urban Space.

11 Q. What is that?

12 A. It was down -- like outside mall.

13 Dealing with they had vendors with stores and
14 food. It's Downtown Brooklyn.

15 Q. What did you do there?

16 A. Maintenance.

17 Q. In May of 2011, were you employed?

18 A. Yes.

19 Q. What were you doing at that time?

20 A. Working for Urban Space.

21 Q. In maintenance?

22 A. Yes.

23 Q. In May of 2011, were you earning

24 income any other way, aside from doing

25 maintenance for Urban Space?

